

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

RANDAL PRUIT,

Plaintiff,

v.

No. 2:22-cv-372 WJ/KRS

STATE OF NEW MEXICO and
FRED VAN SOELEN,

Defendants.

ORDER DENYING PLAINTIFF'S REQUEST TO ADMIT INTO EVIDENCE

THIS MATTER is before the Court on *pro se* Plaintiff's Request to Admit, (Doc. 11), filed as a motion on July 14, 2022. Plaintiff asks the Court to admit six documents as evidence and respond to requests for admission pursuant to Federal Rule of Civil Procedure 36. Rule 36 provides that “[a] party may serve on any other party a written request to admit, for purposes of the pending action only, the truth of any matters within the scope of Rule 26(b)(1) relating to” the facts of the case, application of law to the facts of the case, or the genuineness of described documents. Fed. R. Civ. P. 26(a)(1)(A)-(B). Therefore, Plaintiff's request for the Court to respond to requests for admission is not proper under Rule 36 as the Court is not a party to the case. To the extent Plaintiff intends to rely on the documents or evidence outlined in his Request to Admit, he must do so in due course by citing to the evidence in a brief or moving to admit the evidence at a Court proceeding.

IT IS THEREFORE ORDERED that Plaintiff's Request to Admit, (Doc. 11), is DENIED without prejudice.



KEVIN R. SWEAZEA
UNITED STATES MAGISTRATE JUDGE